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TO

BY-LAW No. 9

OF THE

CITY OF WINNIPEG

A BY-LAW

TO REGULATE THE PROCEEDINGS OF THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WINNIPEG, AND THE OTHER OFFICERS AND COMMITTEES THEREOF.



WINNIPEG:

TIMES STEAM JOB PRINT.

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BY-LAW No. 9.

A By-Law to regulate the proceedings in the Municipal Council of the Corporation of the city of Winnipeg, and the officers and committees thereof.

Passed on 6th April, 1874.

Amended by By-Law No. 123, on May, 3rd 1880.

By-Law No. 123 repealed by By-Law No. 131, on 17th January, 1821.

WHEREAS, it is expedient to pass a By-Law to regulate the proceedings in Municipal Council, and in Committees of the Municipal Council of the Corporation of the city of Winnipeg, and to define the duties of the several officers of said Corporation, and the manner in which said duties shall be fulfilled.

Therefore, the Municipal Council of the Corporation of the city of Winnipeg in Council assembled, enacts as follows :

MEETINGS AND ADJOURNMENTS OF COUNCIL.

1. That in all the proceedings had or taken in the Municipal Council of the city of Winnipeg, the following Rules and Regulations shall be observed and shall be the rules and regulations for the order and dispatch of business in the said Council, and of the committees of the said Council, and shall define the duties of the officers and servants of the said Corporation, when not otherwise provided for.

2. That the Council shall meet every Monday in the year, at the hour of seven o'clock in the afternoon, unless otherwise ordered by special motion, or unless such Monday shall be a public holiday according to law, when the Council shall meet at the same hour on the next following Monday, which shall not be a public holiday.

3. That unless there shall be a quorum present in half an hour after the time appointed for the meeting of Council, the Council shall then stand absolutely adjourned until the next day of meeting, unless a special meeting be duly called in the meantime.

4. That the Council shall always adjourn at the hour of eleven o'clock, p.m., if in session at that hour, unless otherwise determined by a vote of two-thirds of the members present.

5. That the members of the Council shall not leave their places on adjournment, until the Mayor, or other presiding officer, leave the chair.

6. That as soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the chair, and the members shall be called to order.

7. That in case the Mayor shall not be in attendance, the clerk shall call the meeting to order, until a chairman shall be chosen, who shall preside until the arrival of the Mayor.

8. That in the absence of the Mayor, one of the Aldermen present shall be chosen to preside, and shall take the chair and preside, during the absence of the Mayor, and at the meeting only at which he has been so chosen.

9. That immediately after the Mayor or other presiding officer shall have taken his seat, the minutes of the preceding meeting shall be read by the clerk, in order that any mistake therein may be corrected by the Council.

10. That the Mayor, or other presiding officer shall preserve order and decorum, and decide questions of order, subject to an appeal to the Council. The decision of the Mayor or other presiding officer shall be final, unless reversed by a vote of two-thirds of the members present, without debate.

11. That when the Mayor or other presiding officer is called on to decide a point of order or practice, he shall state the rule or authority applicable to the case, without argument or comment.

12. That the Mayor or other presiding officer may vote with the other members on all questions, and any question on which there is any equality of votes shall be deemed to be negatived.

13. That if the Mayor or other presiding officer desires to leave the chair for the purpose of taking part in the debate, or otherwise, he shall call one of the Aldermen to fill his place until he resumes the chair.

14. That every member, previous to his speaking to any question, or motion, shall rise from his seat uncovered, and shall address himself to the Mayor, or other presiding officer.

15. That when two or more members rise at once, the Mayor or other presiding officer shall name the member who first rose in his place, but a motion may be made that any member who has risen "be now heard," or "do now speak."

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16. That every member who shall be present when a question is put, shall vote thereon, unless the Council shall excuse him, or unless he be personally interested in the question, provided such interest is resolvable into a personal pecuniary profit, or such as is peculiar to that member, and not in common with the interests of the citizens at large, in which case he shall not vote.

17. That when the Mayor, or other presiding officer is putting the question, no member shall walk across, or out of the room, nor make any noise or disturbance, nor when a member is speaking, shall any other member interrupt him, except to order, nor shall pass between him and the chair.

18. That a member, called to order, shall sit down unless permitted to explain, and the Council, if appealed to, shall decide on the case, but without debate ; if there be no appeal, the decision of the Mayor, or other presiding officer shall be submitted to.

19. That no member shall speak disrespectfully of Her Majesty the Queen, nor of any of the Royal Family, or of the Governor-General, Lieutenant-Governor, or person administering the Government of the Dominion, or of this his Province, nor shall he use any offensive words against the Council, or against any member thereof, nor shall he speak beside the question in debate, and no member shall reflect upon any vote of the Council, except for the purpose of moving that such vote be rescinded.

20. That any member may require the question or motion in discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

21. That no member shall speak more than once to the same question, without leave of the Council except, in explanation of a material part of his speech, which may have been misconceived, but then he is not to introduce new matter. A reply is allowed to a member who has made a substantive motion to the Council, but not to any member who has moved an order of the day, an amendment, the previous question, or an instruction to a committee, and no member, without leave of the Council, shall speak to the same question or in reply, for longer than a quarter of an hour.

22. That upon a division of the Council, the names of those who vote for, and those who vote against the question shall be entered upon the minutes, when any member shall call for the yeas and nays.

23. That questions may be put to the Mayor, or other presiding officer, or through him to any member of the Council, concerning any bill, motion or other matter connected with the business of the

Council, or the affairs of the city, but no argument or opinion is to be offered, nor any facts stated except so far as may be necessary to explain the same, and in answering any such questions a member is not to debate the matter to which the same refers.

24. That when the doors shall be directed to be closed, all persons except the members and the clerk shall retire.

ORDERS OF THE DAY.

25. That the clerk shall have prepared, or printed, for the use of members, "The General Orders of the Day," containing :

- 1st. Reading of Minutes and confirming the same.
- 2nd. Original Communications.
- 3rd. Petitions.
- 4th. Reports of Committees.
- 5th. Referring Petitions and Communications.
- 6th. Enquiries.
- 7th. Giving Notice.
- 8th. Unfinished Business.
- 9th. Motions.
- 10th. Consideration of By-Laws.
- 11th. Consideration of Reports.

26. That the business shall in all cases be taken up in the order in which it stands, upon the "General Orders of the Day" unless otherwise determined upon by a vote of two-thirds of the members present, and without debate thereon.

MOTIONS AND ORDER OF PUTTING QUESTIONS IN COUNCIL.

27. That no new matter, other than bringing up petitions, reading communications, and matters of privilege, or recommendations of committees shall be introduced, without notice of motion having been given of the same at a previous meeting of the Council ; and no motion shall be discussed, unless such notice has been given, or the Council dispense with such notice by a vote of two-thirds of the members present, without debate.

28. That all motions shall be in writing, and seconded, before being debated, or put from the chair. When a motion is seconded, it shall be read by the Mayor, or other presiding officer, or clerk, before debate.

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29. That after a motion is read by the Mayor, or other presiding officer, or clerk, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment with permission of the Council.

30. That a motion for commitment until it is decided, shall preclude all amendment of the main question.

31. That a motion to adjourn shall always be in order, but no second motion to the same effect shall be made until after some intermediate proceeding shall have been had.

32. That when a question is under debate, no motion shall be received, unless to commit it ; to amend it ; to lay it on the table ; to postpone it ; to adjourn ; or to move the previous question.

33. That the previous question, until it is decided, shall preclude all amendment of the main question, and shall be put without debate, in the following words, " That this question be now put," and if this motion be resolved in the affirmative, the original question is to be put forthwith, without any amendment or debate.

34. That all amendments shall be put in the reverse order in which they are moved, except in filling up blanks, when the longest time and the largest sum shall be put first ; and every amendment submitted shall be reduced to writing, and be decided upon or withdrawn before the main question is put to the vote. That all motions for the appointment of any member of the Council, or of any other person, to any office in the gift of the Council shall preclude any amendments.

35. That when the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.

36. That after any question is finally put by the Mayor, or other presiding officer, no member shall speak to the question, nor shall any other motion be made until after the result is declared ; and the decision of the Mayor, or other presiding officer, as to whether the question has been finally put, shall be conclusive.

37. That whenever the Mayor, or other presiding officer, is of opinion that a motion offered to the Council, is contrary to the rules and privileges of the Council, he shall apprise the members thereof immediately, before putting the question thereon, and quote the rule or authority applicable to the case, without argument or comment.

38. That members shall always take their places when any division is called for.

ORDER OF PROCEEDINGS IN COMMITTEE OF THE WHOLE.

39. That whenever it shall be moved and carried that the Council go into committee of the whole, the Mayor, or other presiding officer, shall leave the chair, and shall appoint a chairman of committee of the whole, who shall maintain order in the committee, and who shall report the proceeding of the committee.

40. That previous to discussion on any By-Law or Report in committee of the whole, the same shall be read out by the clerk, who, on the request of any member shall repeat the reading of any clause, or clauses therein, as may be desired by such member.

41. That the rules of the Council shall be observed in committee of the whole, so far as may be applicable, except that no motion shall require to be seconded, nor shall a motion for the previous question, or for any adjournment be allowed, and in taking the yeas and nays, the names of members shall not be recorded, nor shall the number of times of speaking on any question be limited.

42. That questions of order, arising in committee of the whole, shall be decided by the chairman, subject to an appeal to the Council, and if any sudden disorder should arise in the committee, the Mayor, or other presiding officer, will resume the chair without any motion being put.

43. That on motion in committee of the whole to rise and report, the question shall be decided without debate.

44. That a motion in committee of the whole to rise without reporting, or that the chairman leave the chair, shall always be in order, and shall take precedence of any other motion. On such motion debate shall be allowed, and on an affirmative vote the Mayor, or other presiding officer, shall resume the chair and proceed with the next order of business.

READING OF BY-LAWS AND PROCEEDINGS THEREON.

45. That when a by-law is read in the Council, the clerk shall certify the readings and the time on the back thereof. After by-laws have passed, he shall be responsible for their correctness, should they be amended.

46. That the question "That this by-law be now read a first time," shall be decided without amendment or debate; and every by-law shall be read twice before it is committed, and read a third time before it is signed by the Mayor.

47. That every by-law shall be introduced upon motion for leave specifying the title of the bill, or upon motion to appoint a

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committee to prepare and bring it in; and each by-law shall receive three several readings, and on different days, previous to its being passed except in urgent and extraordinary occasions, and upon a vote of two-thirds of the members present, when it may be read twice or thrice, or advanced two or three stages in one day.

48. That any by-law for the appropriation of money, brought in on the report of a committee of the whole, shall pass through all its stages, without being again referred to a Committee of the Whole.

49. That in proceedings in committee of the whole upon by-laws, every clause shall be considered in its proper order.

50. That all amendments made in committee of the whole, shall be reported by the chairman to the Council, who shall receive the same forthwith; after report, the by-law shall be open to debate and amendment before it is ordered for a third reading; when a by-law is reported without amendment, it is forthwith ordered to be read a third time, at such time as may be appointed by the Council.

51. That all by-laws, after having been printed, and finally adopted by the Council shall be passed and bound up, and shall have an index prepared for the same.

PETITIONS AND COMMUNICATIONS.

52. That every petition, remonstrance or other written application intended to be presented to the Council must be fairly written or printed on paper or parchment, and signed by at least, one person, and no letters, affidavits, or other documents shall be attached to it.

53. That every petition, remonstrance, or other written application, may be presented to the Council, by any member thereof, not signing or being a party to the same, on any day, but not later than the hour at which it would come up in the order of business, except on extraordinary occasions, and every member presenting any petition, remonstrance, or other written application to the Council, shall examine the same, and shall be answerable that it does not contain any impertinent or improper matter; and that the same is respectful and temperate in its language; he shall also endorse thereon the name of the applicant, and the substance of such application, and sign his name thereto, which endorsement only shall be read by the Mayor, or other presiding officer, or clerk, unless a member shall require the reading of the paper, in which case the whole shall be read.

54. That all petitions or other written communications on any subject within the cognizance of any standing committee, shall on presentation be referred by the Mayor, or other presiding officer, to the proper committee, without any motion; and no member shall speak upon, or shall any debate be allowed on the presentation of any petition or other communication to the Council; but any member may move that in referring said petition or other communication, certain instructions may be given by the Council, or that the said petition or communication be referred to a special committee, and if the petition or communication complains of some present personal grievance requiring an immediate remedy, the matter contained therein may be brought into immediate discussion, and be disposed of forthwith.

55. That any member may move to take up or refer any communication or petition made or presented to the Council during the year in which such motion is made, or during the year next proceeding such year, and whether such communication or petition has been referred to a committee and reported on or not; but no motion shall be in order to take up or refer a communication or petition made or presented at any time before the commencement of the year next proceeding such motion.

APPOINTMENT AND ORGANIZATION OF COMMITTEES.

56. That all standing or special committees shall be appointed on motion of a member, by consent of a majority of the Council, and any member of the Council may be placed on a committee, notwithstanding the absence of such member at the time of his being named upon such committee; and the Mayor shall be *ex officio* a member of all committees, and no committee shall consist of more than four members exclusive of the Mayor, without the consent of the Council.

57. That every member who shall introduce a by-law, petition, or motion, upon any subject which may be referred to a special committee shall be one of the committee, without being named by the Council, and shall, unless he otherwise determines, be chairman of such committee.

58. That of the number of members appointed to compose any standing or special committee, such number thereof as shall be equal to a majority of the whole number chosen, exclusive of any *ex officio* members, shall be a quorum competent to proceed to business.

59. That there shall be annually appointed at the first or second meeting of each newly elected Council, the following committees, which shall compose the Standing Committees of the Council:—

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- 1st. The Standing Committee on Finance and Assessment.
- 2nd. The Standing Committee to be designated the Board of Works.
- 3rd. The Standing Committee on Public Markets.
- 4th. The Standing Committee on Fire, Water and Light.
- 5th. The Standing Committee to be designated the Board of Health.
- 6th. The Standing Committee on License and Police.

60. That each standing committee of the Council shall consist of such members of the Council, not exceeding one member from each Ward, as the Council may elect at its first or second meeting as aforesaid.

61. That the members of each standing committee of the Council shall meet at the City Hall for the purpose of organization, within three days after that on which they are appointed, or as soon as convenient thereafter, at such hours as the Mayor may direct, or in default of the Mayor naming such hours, then the City Clerk shall appoint the hours for such meetings.

62. That the members of each standing committee of the Council, shall at their first meeting proceed to elect from among themselves a chairman, and immediately after such chairman has been elected, the day of the first regular meeting of such committee shall be determined, and also the hour at which such meeting shall be held.

63. That the regular meetings of the standing committees on "Finance and Assessment," and of the "Board of Works," shall be held once in each week, and by each of the other standing committees, as often as may be determined on, but all such meetings shall be at regularly stated intervals, and not less than once in each month.

64. That special meetings of standing committees may be called by the chairman, whenever he shall consider it necessary to do so, and it shall be the duty of the chairman, or in his absence from the city, it shall be the duty of the clerk of the Council to summon a special meeting of a committee whenever requested, in writing, to do so by a majority of the members composing it.

65. That members of the Council may attend the meetings of any of its committees, but shall not be allowed to vote, nor shall they be allowed to take part in any discussion or debate, except by the permission of the majority of the members of the committee.

DUTIES AND ORDER OF BUSINESS OF COMMITTEES.

66. That the business of the respective standing and special committees shall be conducted under the following regulations :

1st. The chairman shall preside at every meeting, and shall vote on all questions submitted, and in case of an equal division, the question shall be passed in the negative.

2nd. He shall sign all such orders and documents as the committee may legally order.

3rd. In his absence, one of the other members shall be elected to preside, who shall discharge the duties of the chairman for the meeting, or until the arrival of the chairman.

4th. The minutes of all the transactions of every committee shall be accurately entered in a book to be provided for that purpose, and at each meeting the minutes of the preceding meeting shall be submitted for confirmation or amendment, and after they have received the approval of a majority of the members present, they shall be signed by the chairman.

5th. There shall be entered on the minute book of each committee, all reports ordered to be submitted to the Council, all orders that may be passed, and all accounts that may be audited with a reference to the by-law or resolution of the Council, under which such audit is made, together with such other matter as the committee shall consider essential to a correct exhibition of its proceedings.

6th. Each minute so recorded shall have attached to it a progressive number for reference and an analytical index shall be kept for each minute book.

7th. When a division takes place on any question, the votes of the members shall be recorded, if required, by one of its members.

8th. No order or authority to do any matter or thing shall be recognized as emanating from any committee unless it is in writing, nor unless it is signed by the chairman or acting chairman, and refers to the minute of the board under which it is issued.

67. That the general duties of all standing and special committees of the Council shall be as follows :

1st. To report to the Council from time to time whenever desired by the Council, and as often as the interests of the city may require, on all matters connected with the duties imposed on them respectively, and to recommend such action by the Council in relation thereto, as may be deemed necessary.

2nd. To prepare and introduce into the Council, all such by-laws as may be necessary to give effect to the reports or recommendations of the respective committees that are adopted by the Council.

3rd. To give effect by the instrumentality of the proper officer or officers, to all by-laws and resolutions of the Council, that relate to the duties of the respective committees.

4th. To audit all accounts connected with the discharge of the duties imposed by the Council or with the performance of any works, or the purchase of any material or goods under the supervision of the respective committees.

5th. To consider and report respectively on any and all matters referred to them by the Council, the chairman, and a majority of such committee signing such report, and bringing up the same.

6th. To adhere strictly in the transaction of all business, to the rules prescribed by the respective by-laws of the Council.

7th. To present to the Council, on or before the last regular meeting of the Council in each and every year, for the information of the Council, and of the inhabitants generally, as well as for the guidance of the committees of the following year, a general report of the state of the various matters referred to the committees from time to time during the year, the work or business done through, or by such committee, and the expenditure made under their authority, or superintendence; such report shall also state the number of meetings the committee held during the year at which a quorum was present, and the number of meetings duly called, but at which there was no quorum, and how often each member was absent from the latter meetings, and shall contain such suggestions in regard to the future action of the succeeding committee as experience may enable the reporting committee to make in respect of the matters embraced in the report.

8th. To see that the persons in office or appointed to office connected with the department of each respective committee, have given or do give the necessary security required of them for the performance of their duties, and in the case of any new appoint-

ment, that the security is given before any such person enters upon his duties.

COMMITTEE ON FINANCE AND ASSESSMENT.

68. That in addition to the duties prescribed by law, or by the sixty-seventh section of this by-law, or by any other by-law of the city of Winnipeg, the duties specially imposed on the standing committee on Finance and Assessment shall be as follows :

1st. To present to the Council, on or before the last Monday in April in each year, a full and particular exhibit of the financial affairs of the city at the termination of the preceding financial year, together with an estimate of the amount required to be raised by assessment during the current year.

2nd. To report to the Council on or before the first Monday in June in each year, as to the manner in which the revenue for the current year should be raised.

3rd. To consider and report as often as may be necessary on the management of all matters connected with stocks, bonds, or securities of any kind held by the corporation.

4th. To consider and report on all affairs connected with the renting, leasing, buying or selling of city property, or of property occupied or acquired by the corporation for city purposes.

5th. To have the special supervision of the books of accounts, documents, and vouchers, and of all moneys, debentures, and securities in the chamberlain's office, and shall also have the supervision of the chamberlain, and of any or all officers, in his department under him.

6th. To advise the chamberlain when called upon to do so, in any or all matters pertaining to his office.

7th. To see that all duties and services which ought to be performed by the chamberlain, and any officer or officers, in his department, are fully executed.

8th. To forbid the signing or delivery of any cheque or of any security, or the payment of any money, by the chamberlain, if they shall think it expedient so to do, until the matter can be further considered, or can be referred to the Council.

9th. To regulate all matters connected with the receipt and payment of money, and to order the adoption of such regulations in connection therewith as may be deemed necessary for the

prevention of any payment being made in contravention of the by-laws and generally to manage the financial affairs of the city.

10th. To direct the purchase of stationery, the advertisement of city notices, and the performance of printing, and to report thereon to the Council.

BOARD OF WORKS.

69. That in addition to the duties prescribed by law, or by the sixty-seventh section of this by-law, or by any other by-law of the city of Winnipeg, prescribing duties to the Board of Works; the duties especially imposed on the standing committee of the Board of Works shall be as follows:

1st. To consider and report on all matters relating to sewers, drains, streets, lanes, alleys, bridges public thoroughfares, and their maintenance against encroachment; sidewalks, fences, surveys, lands, the employment of labor and purchase of material for all the purposes connected with such matters.

2nd. To report and recommend to the Council such regulations for the control of private buildings, drains and fences as may be requisite for the public safety and welfare, and in accordance with the legislative enactments.

3rd. To report to the Council in their final report for each year, on all works of permanent improvement in connection with the city property above enumerated, as it may be considered essential to the welfare and convenience of the citizens to be carried out during the ensuing year, together with the estimated cost of the works so recommended.

4th. To direct and control the city engineer and his staff, in the discharge of their duties, and to report to the Council from time to time on all matters connected with the duties of his department.

5th. To give effect to such orders of the Council in relation to the performance of work under other committees.

COMMITTEE ON MARKETS.

70. That in addition to the duties prescribed by law, or by the sixty-seventh section of this by-law, or by any by-law of the city of Winnipeg, the duties especially imposed on the Standing Committee on Public Markets, shall be as follows:

1st. To manage and report on all affairs relating to the regulations of the public markets, weight houses, inspection of weights and measures, the prevention of forestalling or regrating, the regulating the assize of bread, the dealings of hucksters, the cleaning of markets and the prevention of the sale of tainted or unwholesome food.

2nd. To report on the levying and collecting of market dues or tolls, and weigh-house fees, and rental of stalls.

3rd. To report on all works that may be required for the establishing and maintenance of markets, building, market houses, and fences, laying out market grounds, and to carry out all such works and regulations in connection therewith as the Council may authorize.

COMMITTEE ON FIRE, WATER AND LIGHT.

71. That in addition to the duties prescribed by law, or by the sixty-seventh section of this by-law, or by any by-law of the city of Winnipeg, the duties especially imposed on the Standing Committee on Fire, Water and Light, shall be as follows:

1st. To manage and report on the organization of a fire brigade, the supply and maintenance of the necessary engines, horses, hose, hose-carts and all other apparatus connected therewith, and to see that the same, when procured, are kept in good order, repair and efficiency.

2nd. To enquire into and report on a proper site or sites for an engine house or houses, the estimated cost of erecting the necessary building or buildings thereon, the best and most eligible plans therefor should the same be found necessary, or the renting of suitable premises should such be determined on.

3rd. To appoint and to have supervision over the members of the fire brigade.

4th. To report on the lighting of the city; on the erection of lamps, and the inspection thereof.

5th. To enquire into and report on the supply of water, and the erection and maintenance of tanks, wells or other means of supply.

6th. To consider and report on all matters connected with the establishment of fire limits, the inspection of buildings with reference thereto, and the prosecution of offenders against such regulations as may be enacted.

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BOARD OF HEALTH.

72. That in addition to the duties prescribed by law, or by the sixty-seventh section of this by-law or by any by-law of the city of Winnipeg, the duties especially imposed on the Standing Committee called the Board of Health, shall be as follows:

1st. That the said committee shall examine into or cause to be examined into, and report on all nuisances, sources of filth, sickness caused by unhealthy premises, contagious diseases and epidemics; to enquire into and report on the best means of prevention or arrest of any infectious disorder, to see that the by-laws affecting the sanitary condition of the city are strictly carried out and obeyed, and that offenders against the same be dealt with as provided by said by-laws, and generally to maintain a strict supervision over all matters relating to, or affecting the public health.

2nd. To have control over all health officers, appointed by the Council, and to see that said officers punctually perform the duties required of them.

COMMITTEE ON LICENSES AND POLICE.

73. That in addition to the duties prescribed by law, or by the sixty-seventh section of this by-law, or by any by-law of the city of Winnipeg, the duties especially imposed on the Standing Committee on Licenses and Police shall be as follows:

1st. To have supervision over all matters relating to taverns, hotels, saloons, stores, shops, billiard-rooms, bowling alleys, ale houses, beer houses, or houses where any game or games of chance or skill are played for stakes or wagers, or when payment or reward accrues to the owner or occupant of said house or houses.

2nd. To regulate all matters connected with, or relating to the licensing of auctioneers, livery stables, horses, cabs, carriages, omnibuses, and other vehicles used for hire, and to consider and report on by-laws governing the same.

3rd. To recommend to the Council such regulations as should apply to hawkers, or petty chapmen, and other persons carrying on petty trades, who have not become permanent residents or householders, or who go from place to place, or in, or with, any boat, vessel or craft, or otherwise carrying goods, wares or merchandize for sale, and to consider and report thereon, and the sum or sums which should be levied for license permitting the said persons to carry on said business.

4th. To have supervision over all officers of the corporation appointed as police; inspectors of taverns and houses of public entertainment or of licenses, and to report thereon as occasion requires.

CHAMBERLAIN.

74. That to enable the Standing Committee on Finance and Assessment, to discharge the duties imposed upon it by this by-law, the Chamberlain by himself or his deputy shall, in addition to those duties prescribed by law, or any by-law or resolution of the Council, perform the following duties:

1st. To act as secretary to the said committee if requested, and as such, to keep a record of all minutes, orders and reports; and to conform to all directions of the said committee consistent with law or the by-laws of the city.

2nd. To supply all information, either verbal or written, and such statements in detail relative to the finances of the city, and all other matters connected with his office as the said committee may require.

3rd. To have control over all officers placed in his office, subject to such orders as he may from time to time receive from the said committee or the Council.

4th. To receive all moneys from the hands of the collector or collectors, when tendered, and to enter the same in his cash book in detail, showing the parties from whom said moneys had been received and whether the same were in full of, or in part for taxes, due by said parties, and he shall not pay out any money on behalf of the corporation, without the same shall have been duly passed by the Council, and the account or grant certified by the city clerk as having been so passed.

5th. To keep a regular set of books, in which he shall open and keep as many accounts under appropriate titles as may be necessary to show distinctly and separately, all the receipts and expenditure of each department, and also all the debts due to the corporation by rate payers or others.

6th. To take charge of, and preserve all title deeds, leases or mortgages relating to property belonging to the corporation, and all other documents and papers entrusted to his care, and of all evidences of debts due to the corporation.

7th. The said chamberlain shall lodge at least once in every week, in such bank or banks, as may be directed by the committee on finance and assessment, all moneys by him received on account

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of the corporation, and he shall thereupon make a report once a month to said committee of the amount of money so deposited and of the amount by him drawn from such bank or banks, under any cheques or warrants duly issued.

8th. The chamberlain shall as early as may be, in the month of March in every year, lay before the committee on finance and assessment, a statement of all the receipts and expenditure of the past financial year, giving in detail the amount of appropriation and expenditure for each department, and the receipts from each source of income, and the statement shall be accompanied by a schedule showing the debts due by the city, when payable and to whom, and the rate of interest, if any thereon, and also of all amounts due to the city on account of unpaid taxes or otherwise and the names of parties or properties so indebted.

CITY CLERK.

75. That the duties of the Clerk of the city of Winnipeg, in addition to those prescribed by law, or by any by-law or resolution of the Council, in connection with all standing and other committees, shall be :

1st. To notify each member of the respective committees appointed under this by-law, so soon as the appointment has been made, of the time and place at which the first meeting of each committee will be held.

2nd. To furnish each member of all committees with a copy of this by-law, at the time of serving the notice of the first meeting.

3rd. To cause a notice of each regular and special meeting of each of the standing, and other committees, except the standing committee on finance and assessment, and the board of works, to be served on the members thereof at their residences or ordinary places of business, not later than the day previous to such meeting being held.

4th. To furnish the chamberlain of the city, the city engineer, and the chairman of each of the standing or other committees with certified copies of all resolutions, enactments, and orders of the Council relative to the matters over which the said committees, or officers of the corporation may respectively have jurisdiction, on the day next succeeding that upon which the action of the Council in respect thereof takes place.

5th. To communicate or convey to the committees, all petitions or other documents referred by the Council.

6th. To attend all meetings of the committees, by himself, or his deputy, except the standing committees on finance and assessment and the board of works, when required so to do, by the chairman or acting chairman thereof, and to record the minutes, orders, and requests, of all such meetings, in the manner herein-after provided.

7th. To have control over all officers employed in his office, subject to such orders as he may, from time to time, receive from the mayor, or the Council.

8th. To give notice to the members of the Council of all meetings thereof, when held on any other day than the day appointed for the regular meetings; said notice to be delivered to each member, at his residence or place of business, not later than the day previous to that on which such meeting is to be held.

9th. To have charge of the city seal, and only to attach the same to any document connected with the corporation, on the order of the mayor, or the Council, of the committee on finance and assessment, or as required by law.

10th. To keep a separate and distinct book in which shall be entered, in full, all by-laws and regulations, made and enacted by the Council, and also, to enter in a separate book, copies of all letters written by order of the Council, or of any committee.

11th. There shall be paid to the city clerk, by every person who shall desire the seal of the said city to be affixed to any document whatsoever, in which the corporation shall be in no wise concerned, the sum of one dollar.

12th. It shall be the duty of the said clerk, when required by the mayor, or the chairman of any committee, to deliver to the same, all documents and papers under his charge, which may be required to be acted upon, by the Council or the said committee.

13th. It shall be the duty of the said clerk, after the passing of any resolution of the Council directing the payment of any sum of money, out of the city treasury, to communicate the same to the chamberlain, certified under his hand, and also to transmit, without delay, to the several committees, copies of all resolutions, orders or communications that may be respectively referred to them by the Council.

CITY ENGINEER.

76. That to enable the board of works to give effect to the provisions of this by-law, relating to the said committee, the City Engineer, when appointed by the Council, shall perform the

following duties under the direction of the said committee, subject to the by-laws and resolutions of the Council.

1st. To comply with such orders as the said board of works may legally issue, and to perform such duties as may be allotted to him by this by-law, or any other by-law or resolution of the Council.

2nd. It shall be the duty of the city engineer to report to the said board of works, on or before the first day of April in each year, as to the improvements and repairs necessary, in his opinion, to be made by the corporation, in each ward, during the year, so far as he can anticipate the same, including in such report, all matters that by this by-law, are placed under the management of the said board of works, and also, on or before the first day of August in each year, to present a supplementary report as to any additional repairs that may not have been anticipated in his previous report, but which may subsequently appear to be required.

3rd. To enter in a book, to be kept by him for the purpose, to whom plank, lumber, stone, or other materials have been delivered or ordered by him to be delivered, and upon what contract or otherwise the same are so delivered, designating the particular work or improvement for which the same were intended.

4th. To report to the said board of works, once in each month, a full and perfect statement of the plank, timber and other materials belonging to the city, and respectively received and delivered by him, and from and to whom respectively and for what purpose.

5th. To have the superintendence of, and be responsible for the due performance of all works done for the corporation, and particularly (when not otherwise specially ordered by the Council) of all work connected with the erection or repairs of public buildings, the sewerage and drainage of the city, the making, grading, macadamizing, paving and repairing and watering of streets, and the making of sidewalks, bridges and crossings.

6th. To decide, under the direction of the said board of works, on the number of mechanics and laborers, from time to time required on the works, and to be paid by the city, and the men shall be employed and discharged by him, under such authority.

7th. To examine into all complaints of defective sidewalks, roadways, crossings, bridges, or sewers.

8th. To see to the conservation of the public thoroughfares, and their maintenance against encroachment.

9th. To examine and certify all bills for materials and labor against the corporation, and make the surveys and examinations necessary for the purpose.

10th. To make a weekly return to the committee of all the workmen employed, and materials used during the week, and of the amount and description of the work done during the week.

11th. To prepare regulations in regard to the duties to be performed by the persons working under him, or subject to his orders, and such regulations, on being approved by the standing committee, to whose department the same may belong, shall be entered in a book to be kept for the purpose; and a copy of such regulations shall be hung up in a conspicuous place in his office, and any addition to or change in such regulations, shall be approved, entered and exhibited from time to time in the same manner.

12th. To comply with any directions of the committees of the Council with reference to the said matters, and all other matters which shall fall within any authority duly given to such committees respectively by the Council.

13th. To inspect, measure and receive the lumber, timber, stone, and other materials, belonging to or used by the city, for the streets or other public improvements; to keep a full and accurate account of the quantities and qualities of the same, and from whom received, and to enter such account in a book to be kept for the purpose, designating the quality and quantity of each kind of materials, with the view of securing due care in receiving, preserving and using the said materials, belonging to or used by the city.

14th. To report, from time to time, to the said board of works, or any other committees, having cognizance of the matter, or to the Council, as the case may require, any obstruction he may meet with in the discharge of his duties, as well as any matter on which he may want advice or instructions.

15th. To act as secretary to the board of works, if requested to attend all the meetings of said committee, to keep the records of the said board of works, to cause a notice of each regular and special meeting to be served on each member of the said board of works, at his residence or ordinary place of business, not later than the day preceding that on which such meeting is to be held.

77. That every certificate given by the city engineer of the accuracy of any bill against the corporation shall be prepared in duplicate, and one part shall be delivered by him to the city chamberlain, before or at the same time that the other part is delivered to the person entitled to receive the money thereon.

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ASSESSORS, COLLECTORS AND OTHER OFFICERS OF THE CORPORATION.

78. That the collectors' rolls are to be ready for the collector or collectors, on or before the first day of July in each year, and if the press of business makes this impossible for the city clerk, the standing committee on finance and assessment shall obtain for the clerk such temporary assistance as may be necessary, and shall forthwith report to the Council, what they do in this respect.

79. That in addition to the duties prescribed by law, or by any by-law or resolution of the Council, every collector shall, unless otherwise directed by by-law or resolution of the Council, pay to the chamberlain, on the Saturday of each week, or oftener, all his collections up to the date of such payment, with a statement in detail containing the names of those from whom moneys were received, the date when received, and also whether the sum or sums were in full, or in part of taxes due by said parties to the city, with the number on the collector's roll opposite the names of said parties; and shall at the same time deliver to the chamberlain a declaration signed by such collector, and to the effect that the amount so paid is all that he has received up to the time of making such payment, and the chamberlain, or chairman of the standing committee on finance and assessment, may require such declaration in any case, to be sworn to before the Mayor.

80. That any person acting as bailiff in the collection of any taxes, rates, licenses, fines or penalties, collected by summary process, or other process of law, from any person or persons whatsoever, under the by-laws of the corporation shall be and he is hereby to be considered as acting in the capacity of a collector, and shall be governed by and subject to the provisions contained in section seventy-nine of this by-law.

81. That the chamberlain shall, from time to time, report to the Council, all collectors or other officers who make default in complying with the requirements of the preceding sections of this by-law, with the particulars of the default.

MONEY, APPROPRIATIONS, ACCOUNTS, EXPENDITURES, CONTRACTS AND IMPROVEMENTS.

82. That all appropriations of money shall be submitted to a Committee of the Whole, before being taken up in full Council.

83. That no committee or member of the Council and no officer of the corporation, shall on behalf of the corporation, enter into a contract or incur or authorize any expenditure, without having obtained by by-law or resolution, the previous authority or sanction of the Council.

84. That no contract or expenditure shall be authorized or permitted in contemplation of a loan, whereby a debt is incurred requiring the approval of the rate-payers, until after the by-law for such loan or debt has been duly passed, and has been approved of by the rate-payers according to law.

85. That no resolution or by-law authorizing or professing to authorize the expenditure of money, shall be passed by the Council, or acted upon by any committee or officer of the corporation unless either adequate means of meeting such expenditure are at the same time provided by the by-law or resolution, or sufficient unappropriated money is on hand, or will become payable to the corporation before the thirty-first day of December in the same year, nor unless the fact of such adequacy or sufficiency appears from a certificate of the chamberlain or a report of the standing committee on finance and assessment presented before or at the time the by-law or resolution is passed. Provided always, that in all cases when a by-law or resolution of the Council provides for the issuing of debentures for the purpose of raising the ways and means of meeting the expenditure thereby contemplated, the same shall nevertheless be passed by the Council, although there shall not be a report of the standing committee on finance and assessment or a certificate of the chamberlain that there are funds on hand for the purpose.

86. That when such by-law is passed, the debentures to be issued thereon may be issued and negotiated and the funds be received therefor or thereon, and whenever such funds are received by the chamberlain, the standing committee on finance and assessment shall then report, or the chamberlain shall then certify to the Council the amount of such funds on hand and the purposes to which the same are dedicated.

87. That after such report or certificate of funds, to the Council, the work intended to be done, or the debt intended to be paid, or the purchase intended to be made, or other the purposes or expenditure contemplated, may then, and not till then, be proceeded with.

88. That no work or improvement shall hereafter be authorized by the Council, without either having an estimate of the probable cost thereof, or (in the absence of an estimate) limiting an amount therefor, and no contract shall be entered into for such work or improvement, at a larger sum or involving a larger expenditure than the amount so estimated or limited, and if such amount is found insufficient, the fact is to be reported to the Council, before the work is commenced or contracted for.

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89. That when money is duly authorized to be expended for any purpose, the amount to be expended is not to be credited by the chamberlain to any committee, but he is to credit the same to an account to be opened for the object for which the money is voted, and he shall, at the same time charge the amount against the fund, out of which the same is to be paid so as to show how much of said fund is from time to time appropriated, and he shall afterwards charge against the account which is to receive the credit, the sums from time to time paid of the amount so voted.

90. That in case money appropriated to any particular purpose exceeds the amount which such purpose is afterwards found to require, the chamberlain shall carry the surplus to the credit of an account to be opened in his books for unappropriated money.

91. That no money hereafter voted or raised for any purpose, shall be applied to any other purpose, without expressly recinding or repealing the resolution or by-law, by, or under which the same was voted or raised, so far as such resolution or by-law stated the purpose.

92. That for the purpose of better securing to the Council full and accurate information before being called upon to authorize the expenditure of city money, every report recommending an expenditure of money shall state the reason and grounds on which the recommendation is made and shall as far as practicable state the same with sufficient fulness to enable others to judge of the propriety of the proposed expenditure.

93. That no report of any committee recommending any expenditure shall be received by the Council unaccompanied by the report of the proper officer, save in case of emergency, to be fully shown in the report of the committee and assented to by a vote of two-thirds of the members of the Council present.

94. That when any committee recommends or any member of the Council proposes to the Council, the making of any improvement, or the expending of any money, for or in respect of property of any kind, it shall be the duty of such committee, or of the member or members introducing the proposal, as the case may be, to ascertain as far as practicable whether such improvement passes through or along any property in which any member of the Council or officer of the corporation is interested, or whether any such member or officer is interested in the property, for or in respect of which the money is proposed to be expended, and to state to the Council how the facts are in those respects so far as ascertainable; this, in the case of a committee shall be done in the report containing their recommendation, and except in a case of

emergency, and then with the sanction of two-thirds of those present, no action shall be taken or permitted upon any such report or proposal, until information of the matters referred to in this section is laid before the Council.

95. That with the view of preventing members and officers of the corporation from being interested in corporation contracts, it is hereby expressly declared that no member of the Council, and no officer of the corporation shall be interested in a private capacity, directly or indirectly, in any contract or agreement for labor, or for any materials goods, wares, or merchandise furnished to the city, wherein the city is a party interested.

96. That any breach of the duty imposed by the preceding section of this by-law on the part of any officer of the corporation shall subject him to forfeiture of his office and immediate removal therefrom.

97. That no account or claim against the city arising out of or connected with any contract, agreement, purchase or sale, made contrary to section ninty-five of this by-law, shall be certified by any engineer, or other officer of the corporation, or approved by any committee or the chairman thereof, or paid by the chamberlain.

98. That every contract shall contain a clause declaring that the contract is entered into on the part of the corporation in good faith, that no member of the Council or officer of the corporation has any interest whatever therein, and further declaring, that the persons contracting, and their representatives are to forfeit all claims under the contract, and for all work done, or materials or goods, wares or merchandize furnished under it, if it shall appear that any member of the council or officer of the corporation is at the time interested therein., or if any interest therein in given or agreed to be given to him, and providing that no payment is to be required, without the declaration being delivered at the time of requiring the same as hereinafter provided.

99. That every account for work done or materials, goods, wares, or merchandize furnished for the corporation shall be accompanied by a written or printed declaration by the person claiming the same, and under his signature to the effect that no member of the Council or officer of the corporation is in a private capacity directly or indirectly interested in such account, or in any part of the work or materials mentioned therein, or of the money thereby claimed. If, in consequence of the person or one or more of the persons claiming, being absent, or for any sufficient cause the required declaration cannot be obtained, the standing committee on finance and assessment, may, in lieu thereof, receive such other

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evidence of the facts, to be so declared, as may be satisfactory, and shall in such case report what they do for the information of the Council. The committee to whose department the account relates, or the standing committee on finance and assessment may, if they see fit require the declaration in any case to be sworn to before the mayor.

100. That no plank, stone, timber, or other materials belonging to the corporation, shall be delivered to or used by any person, nor shall any person (other than the city engineer), take or use any plank, stone, timber, or other materials on account of the corporation, unless he shall first make a requisition in writing for the said materials so required, designating particularly, the kind, quality and quantity of the said materials, and the work for which the same is required, and should the materials so required be on hand or contracted for delivery, and the person applying therefor, be entitled thereto for the work in question, it shall be the duty of the city engineer, or person in charge of the city engineer's department, to deliver such materials to such person, or give him an order therefor, as the case may be, and take his receipt therefor.

101. That no contractor or other person engaged on any work for the city shall be paid the compensation allowed him (unless otherwise provided for) by his contract, or any part thereof unless at the time of paying the same, he shall present to the chamberlain a certificate from the city engineer or person in charge of the city engineer's department, stating that he had examined, measured and computed the work, and that the same was completed, or that the payment demanded was due on such work, and also stating what the work was on which such money was due.

102. That with the view of further carrying out the various objects, embraced in this by-law, every account, before being paid, shall be certified, firstly, by the city engineer or other superior officer under whose superintendence the work was done, or materials provided, and secondly by the committee, (if any) under whose authority the contract, or expenditure was made; this latter certificate being given by, or by order of such committee or a majority thereof, and signed by the members or by the chairman in their presence, and such certificate shall also refer in some distinct manner to the by-law or resolution of the Council by or under which the expenditure was authorized.

103. That in case the committee has reason to believe that any member of the Council or officer of the corporation is interested in any account presented for the approval of such committee it shall be the duty of such committee to withhold a certificate, and to give the parties interested, or supposed to be interested in the

account, an opportunity of disproving the supposed interest ; and if they fail to do so to the satisfaction of such committee, it shall be the duty of the committee to report the same forthwith to the Council.

104. That the chamberlain, for the convenience of parties, shall provide printed forms for the necessary certificates and declarations, such forms being subject to the approval of the standing committee on finance and assessment.

105. That no money shall be paid to any member of the Council or to any officer of the corporation as agent or attorney for any contractor, or in any manner on behalf of a contractor.

106. That no member of the Council shall have power to direct or interfere with the performance of any work for the corporation ; and the officer in charge shall be subject only to his superior officer (if any) and to the Council, or to any committee (while acting in that capacity and not otherwise) to which the Council may in any case give authority in that behalf.

107. That all work and materials shall be done and provided by contract, and after tenders have been called for by advertisement for at least two weeks, besides advertising therefor in any other manner which the extent and importance of the work may render necessary. In case of an emergency rendering it necessary to dispense with this rule; such dispensing therewith shall require the sanction of at least three (or a majority) of the members of the committee having charge of the matter, and every such case is to be entered in their minutes at the time, and to be reported to the Council at its next meeting, with the reasons which rendered it necessary in such cases to dispense with this rule.

108. That no contractor or other person found by the city engineer, or person in charge of the engineer's department, or by any committee of the Council or declared by a resolution of the Council or ascertained by a judicial decision, to have been guilty of defrauding, or of attempting to defraud the city shall again be employed in any capacity on behalf of, or receive any contract from the city, without the express sanction of the Council. It shall be the duty of the various officers of the corporation, to forthwith report all such frauds or attempted frauds of which they become cognizant to their superiors, and for such superiors to report the same to the committee to whose department the subject of the fraud belongs.

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